



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
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March 23, 2015

Michael Caldwell  
204 Nicely St.  
Advance, IN 47105

*Re: Formal Complaint 15-FC-51; Alleged Violation of the Open Door Law by the Town of Advance*

Dear Mr. Caldwell,

This advisory opinion is in response to your formal complaint alleging the Town of Advance ("Town") violated the Open Door Law (ODL), Ind. Code § 5-14-3-1 *et. seq.* and the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on February 11, 2015.

## BACKGROUND

Your complaint dated February 11, 2015 alleges the Town of Advance violated the Open Door Law by preventing access to a town meeting.

On February 9, 2015, you allege the Town prevented access to the Clerk's office and employees were sent home the day of a town meeting. You also allege the Town violated the ODL by having meetings and communications without calling for executive sessions. You do not identify a specific meeting you were prevented from attending, nor do you give any examples of inappropriate communication which would potentially violate the Open Door Law.

## ANALYSIS

It is the intent of the Open Door Law (ODL) that official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. See Ind. Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. See Ind. Code § 5-14-1.5-3(a).

Public agencies can set their hours of operations at their discretion. You have not identified a public meeting of a governing body of which you were barred access. Furthermore, you have not specified any communication you allege to be a violation of the Open Door Law. Without such details, I cannot make a determinative conclusion the Town has violated the Open Door Law.

### **CONCLUSION**

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Town of Advance has not violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Randal Hill